

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

AMY CARLSON, individually,

Plaintiff,

v.

BERKLEY ACCIDENT AND HEALTH, LLC,

Defendant.

Case No. 1:20-cv-590

Judge Feinerman

**JOINT MOTION TO STRIKE CERTAIN  
ALLEGATIONS IN AMENDED COMPLAINT**

Plaintiff Amy Carlson (“Plaintiff”) and Defendant Berkley Accident and Health, LLC (“Defendant”) jointly move for an order striking the following paragraphs or portions of paragraphs from the Amended Complaint. In support, the parties state as follows:

1. Plaintiff filed an Amended Complaint on April 20, 2020.
2. In preparing the Amended Complaint, Plaintiff erroneously failed to eliminate certain allegations and mistakenly included allegations from the original Complaint that exclusively pertained to claims the Court dismissed with prejudice in its March 16, 2020 order. Furthermore, although the Amended Complaint has clarified, in Count III, that Plaintiff is asserting a claim against Defendant for allegedly unpaid wages under the Illinois Wage Payment and Collection Act (“IWPCA”), Plaintiff is not claiming retaliation under the IWPCA even though Count III of the Amended Complaint erroneously includes a reference to “retaliation.”
3. In the Amended Complaint, Plaintiff is not asserting any claim for relief based on the termination of her employment with Defendant and is not seeking recovery of any damages related to the termination of her employment with Defendant.

4. In the interest of good faith cooperation, and to avoid wasting judicial resources and time, the parties seek to strike the following allegations from Plaintiff's Amended Complaint:

- Strike the words "Carlson's employment was constructively terminated based on public policy violations by Defendant in" from Paragraph 2.
- Strike the words "At the time of the constructive discharge due to the violations of public policy" from Paragraph 11.
- Strike Paragraph 30 in its entirety, which states: "Carlson had no choice but to leave her employment with the Defendant to prevent herself from being complicit in Defendant's misdeed."
- Strike Paragraph 46 in its entirety, which states: "As a result of Defendant's willful retaliation, Plaintiff has suffered and continues to suffer materially adverse harm, including but not limited to lost wages and benefits, diminished employment opportunities, and humiliation, embarrassment, emotional and physical distress, and mental anguish."
- Strike Paragraph 47 in its entirety, which states: "Plaintiff has suffered and continues to suffer materially adverse harm, including but not limited to lost wages and benefits, diminished employment opportunities, and humiliation, embarrassment, emotional and physical distress, and mental anguish."

5. The parties agree to the relief requested in this motion, as the above-referenced allegations are not the subject of any of Plaintiff's remaining claims in any respect. The allegations are thus immaterial and should be stricken under Fed. R. Civ. P. 12(f).

WHEREFORE, the parties respectfully request entry of an order striking the text referenced above from the Amended Complaint, and any other relief the Court deems necessary.

Dated: May 4, 2020

BERKLEY ACCIDENT AND HEALTH,  
LLC

AMY CARLSON

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 4, 2020, I electronically filed the foregoing upon all persons and entities registered and authorized to receive such service through the Court's Case Management / Electronic Case Files (CM/ECF) system.

/s/ W. Patrick Conlon